APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,653	03/10/2000	Jay S. Walker	99-062	5172

22927   7590   09/10/2007
WALKER DIGITAL MANAGEMENT, LLC
2 HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER
COLBERT, ELLA

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2" colspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>09/523,653</td><td>WALKER ET AL.</td></tr>
<tr><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td>Ella Colbert</td><td>3694</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-24,35 and 56*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-24,35 and 56*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

.1.   Claims 1-24, 25, and 56 are pending in this communication filed 03/05/07

entered as Response After Non-Final Action and Request for Extension of Time.

2.   The Miscellaneous Letter filed 3/27/07 has been entered and considered.

3.   The Amended Specification filed 03/05/07 is objected to as set forth here below.

4.   The Drawing Objections for Fig's 1, 8, 16, and 17 are hereby withdrawn in view

of Applicants' convincing arguments and amendments to the Specification.

5.   The 35 USC 112, First paragraph rejections are hereby withdrawn in view of

Applicants' arguments.

6.   The 35 USC 112, Second paragraph rejections still remain as set forth here

below.

7.   The 35 USC 101 rejections still remain as set forth here below.

Specification

8.   The amended specification is objected to because Page 2. recites "102, 103 from

one or more bidders ... auctions. A bid ...".   This line should recite "102 and 103 from

one or more bidders ... auctions. A bid ...". Correction is required. See MPEP

§ 608.01(b).

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claims 1, 4, 21, 22, 24, and 35 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

Claims 1, 21, 22, and 24 recite "... a bid may be placed ...". There is not positive

recitation that the bid is actually placed and the recited step is not considered limiting.

Claim 4, recites a conditional statement. It is unclear what happens "if a highest

bid in the auction is from the bidder, placing the bid according to the at least one

specified bidding behavior at a time according to the at least one rule".

Claim 35 , in the preamble recites a system for selecting an auction behavior for

an auction, comprising: a behavior database ...; and a behavior selector having an input

for receiving information about the auction and an output for providing an indication of

an auction behavior for the auction using the behavior database". The "input for

receiving information ... and an output for providing an indication ...". One of ordinary

skill in the art of computer systems would be hard put to identify "input for receiving

information ... and an output for providing an indication ...". Such "input for receiving

information ... and an output for providing an indication ..." is varied, vague, and

indefinite. Also, claim 35 does not contain any hardware of software elements for a

system claim format. A "database" is merely a file composed of records, each

containing fields together with a set of operations for searching, sorting, recombining,

and other functions.

Furthermore, limitations appearing in the specification but not recited in the claim

are not read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369,

67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the

specification" without importing limitations from the specification into the claims

unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA

1969). See also In re Zlitz, 893 F.2d 319, 321-22, 13 USPQ 2d 1320, 1322 (Fed. Cir.

1989) ("During patent examination the pending claims must be interpreted as broadly as

their terms reasonably allow ... The reason is simply that during patent prosecution

when claims can be amended, ambiguities should be recognized, scope and breadth of

language explored, and clarification imposed ... An essential purpose of paten

examination is to fashion claims that are precise, clear, correct and unambiguous. Only

in this way can uncertainties of claim scope be removed, as much as possible, during

the administrative process.").

Claim Rejections - 35 USC § 101

10.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

11.   Claims 1, 21, 22, 24, 35, and 56 of the claimed invention is directed to non-

statutory subject matter.

A requirement fro a claimed invention to be statutory under 35 U.S.C. 101 is that

the claimed invention must be directed to a useful, concrete and tangible result.

State Street Bank v. Signature Financial Group, 47 USPQ2d 1596 (Fed Cir.

1998).

If a computer related invention produces a concrete, tangible and useful result, it

is patentable subject matter, provided that other conditions for patentability are satisfied.

However, in the instant application claim 1 fails to produce such a result, which meets this requirement. The claimed invention merely recites "a rule for controlling when a bid may be placed". A "rule" and "a bud" are a single "rule" and "bid" which are not considered concrete and tangible. There is no basis for specifying the rule and "controlling when a bid may be placed does not solve the problem with concreteness. There is nothing in the claim limitations to lead a person to determine that the claim is tangible and concrete.

Claims 21, 22, 24, and 56 have a similar problem.

In order for a claim to be considered tangible and to meet the requirement the claim does require that the claim must recite more than a 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had "no substantial practical application."). See also Corning, 56 U.S. (156 How.) at 268, 14 L. Ed. 683 ("It is for the discovery or invention of some practical method or means of producing a beneficial result or effect, that a patent is granted ..."). In other words, the opposite meaning of "tangible" is "abstract".

Another consideration is whether the invention produces a "concrete" result. The process must have a result that can be substantially repeatable or the process must substantially produce the same result again. In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000). The opposite of "concrete" is unrepeatable or unpredictable.

Examination has been conducted to the best of the Examiner's ability given the condition of the Claims.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

13.   Claims 1-24, 35, and 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over (US 2001/0027431) Rupp et al, hereafter Rupp. Rupp et al is a

continuation-in-part of application No. 09/252,790, filed Feb. 19, 1999, now Patent No.

6,230146, Continuation-in-part of application No. 09/282,157 filed March 31, 1999.

As per claims 1 and 21, Rupp discloses, A method and a system for

managing an auction, comprising: specifying, via a computer processor, an auction

behavior (Page 3, col. 1, line 1 –col. 2, line 5, Figure 3, and Figure 4); and specifying at

least one rule for controlling when a bid may be placed automatically for a bidder in the

auction according to the specified auction behavior (Page 3, col. 2 [0042] –Page 4, col.

1 [00046]). Rupp did not expressly disclose when a rule for controlling when a bid may

be placed automatically for a bidder. However, on Page 3, col. 2 [0044] discloses a rule

and Rupp further discloses what is interpreted as auction behavior – real-time

competitive interaction among bidders. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify Rupp because of

his disclosure and because such a modification would allow Rupp to have bid

restrictions and additive activity rules to control the behavior of auction participants.

Rupp further teaches a means (a system) for identifying an auction behavior

(Page 4, col. 1 [0049]- col. 2 [0054]).

As per claim 2, Rupp discloses, automatically placing at least one bid for a

bidder according to the at least one rule and according to at least one specified bidding

behavior (Page 4, col. 2 [0055] – Page 5, col. 1, line 4).

As per claim 3, Rupp discloses, The method of claim 2, wherein the specified

bidding behavior comprises a maximum bid and a minimum bid increment (Page 7, col.

2 [0090] –minimum bid increment and [0093] maximum bid –[0094] and Page 8, col. 1

[0102]).

As per claim 4, Rupp discloses, The method of claim 2, wherein automatically

placing at least one bid for the bidder comprises: if a highest bid in the auction is not

from the bidder, placing the bid according to the at least one specified bidding behavior

at a time according to the at least one rule (Page 8, col. 1 [0103] –col. 2 [0104]).

As per claim 5, Rupp discloses, The method of claim 1, further comprising:

receiving at least one bid placed automatically according to the at least one rule and

according to at least one specified bidding behavior (Page 4, col. 2 [0054] and Page 7,

col. 1 [0079]).

As per claim 6, Rupp discloses, The method of claim 1, wherein specifying an

auction behavior comprises determining the auction behavior according to information

about the auction (Page 3, col. 2 [0042]-[0044].

As per claim 7, Rupp discloses, The method of claim 6, wherein the information about the auction comprises at least one of information about an item, information about a seller and information about bidders (Page 3, col. 1 [0034] –[0036] – information about the auction; Page 6, col. 2 [0073] –reputation of supplier (seller) information about supplier (seller); Page 6, col. 1 [0072] – col. 2 [0074] –bidder information).

As per claim 8, Rupp discloses, The Method of claim 7, wherein determining the auction comprises; receiving information about one or more prior auctions, wherein each of the prior auctions has an associated auction behavior; identifying at least one of the prior auctions as similar to the auction based on the information about the auction and the information about the one or more prior auctions; and selecting one or more of the prior auctions identified as similar to the auction (Page 3, col. 2 [0039]-[0044] and Page 6, col. 1 [0070] – col. 2 [0073]).

As per claim 9, Rupp discloses, The method of claim 8, further comprising selecting the auction behavior associated with the selected one or more prior auctions as the auction behavior (Page 3, col. 2 [0039] – [0044]).

As per claim 10, Rupp discloses, The method of claim 8, wherein identifying at least one of the prior auctions similar to the auction comprises: comparing information about the auction to the information about the one or more prior auctions using a metric to obtain a measure (Page 5, col. 2 [0064]- Page 6, col. 1 [0066] and [0072] –col. 2 [0077]); and comparing the measure to a threshold defining an extent of similarity (Pager 6, col. 2 {0078] –Page 7, col. 1 [0079]).

As per claim 11, Rupp discloses, The method of claim 8, wherein the selected one or more prior auctions has a best outcome among the at least one of the prior auctions identified as similar to the auction (Page 3, col. 2 [0041] –[0044]).

As per claim 12, Rupp discloses, The method of claim 11, wherein a best outcome is at least one of a highest price and a fastest sale (Page 4, col. 2 [0055] –Page 5, col. 1, line 4).

As per claim 13, Rupp discloses, The method of claim 1, wherein specifying at least one rule comprises: associating at least one rule with at least one candidate auction behavior from which the auction behavior is specified (Page 8, col. 1 [0102]); and selecting the at least one rule associated with the specified auction behavior (Page 8, col. 1 [0102] lines 12-15).

As per claim 14, Rupp discloses, The method of claim 13, wherein associating at least one rule with each candidate auction behavior comprises: determining at least one rule that corresponds to each candidate auction behavior (Page 8, col. 1 [0100]-col. 2 [0104]). Rupp did not expressly disclose storing the at least one rule in a database. However, Rupp does disclose a rule and a database which can be used for storing the rule. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rupp to incorporate storing the at least one rule in a database in view of his disclosures and because such a modification would allow Rupp to have a file composed of rules records with each record containing fields together with a set of operations for searching, sorting, recombining and other functions.

As per claim 15, Rupp discloses, The method of claim 14, wherein determining at least one rule which corresponds to each candidate auction behavior comprises: characterizing each candidate auction behavior; and selecting rules corresponding to the candidate auction behavior (Page 6, col. 1 [0070] –[0071] and Page 8, col. 1 [0102] lines 1-15).

As per claim 16, Rupp discloses, The method of claim 13, wherein a candidate auction behavior is a behavior of an auction similar to the current auction (Page 3, col. 2 [0044]).

As per claim 17, Rupp discloses, The method of claim 1, further comprising: evaluating actual auction behavior according to bids received in the auction (Page 6, col. 1 [0071]); and modifying the at least one rule for controlling when a bid may be placed automatically in the auction according to the actual auction behavior (Page 8, col. 1 [01021] lines 1-15).

As per claim18, Rupp discloses, The method of claim 17, wherein evaluating the actual auction behavior comprises: characterizing the actual auction behavior according to bids received in the auction (Page 5, col. 2 [0063] -; [0064]); and comparing the selected auction behavior to the actual auction behavior (Page 5, col. 2 [0065] –Page 6, col. 1 [0066]).

As per claim 19, Rupp discloses, The method of claim 17, wherein modifying the at least one rule comprises: selecting at least one alternative rule corresponding to the actual auction behavior (Page 8, col. 1 [0102]).

As per claim 20, Rupp discloses, The method of claim 19, wherein selecting the at least one alternative rule comprises selecting the at least one alternative rule randomly from among a plurality of rules (Page 8, col. 1 [0102]).

As per claim 22, Rupp discloses, A system for managing an auction, comprising: an auction behavior selector providing an indication of a selected auction behavior (Page 3, col. 2 [0042] –[0044]); and a rule generator having an input for receiving an indication of the selected auction behavior and an output providing at least one rule for controlling when a bid may be placed automatically for a bidder in the auction to encourage the selected auction behavior (Page 7, col. 2 [0089] –Page 8, col. 1 [0102]). Rupp did not expressly disclose a rule generator having an input ... and an output providing at least one rule ...". However, Rupp does disclose rules regarding the bid and auction. It would have been obvious to one having ordinary skill in the art to have incorporated a rule generator with an input for receiving and indication of the selected auction behavior and an output providing at least one rule for controlling a bid ... in view of Rupp's disclosure of rules because such a modification would allow Rupp to permit a user to place a reasonable number of bids on a single product or service whereby the system accepts the highest bid submitted by all bidding customers

As per claim 23, Rupp discloses, The system of claim 22, wherein the auction behavior selector comprises: a comparator having an input for receiving the information about the at least one prior auction and information about the auction, and an output for providing an indication of at least one of the prior auctions similar to the auction (Page 2, col. 1 [0016] –[0019]); a selector having an input for receiving the indication of one or

more of the prior auctions identified as similar to the auction and an output for providing

an indication of the auction behavior associated with a selected one or more of the prior

auctions (Page 3, col. 1 [0036] –col. 2 [0044]).

As per claim 24, Rupp discloses, A computer program product comprising: a

computer readable medium and computer program instructions stored on the computer

readable medium, wherein the computer program instructions (Page 5, col. 2 [0063]) to

perform the steps of claim 24.

This independent claim is rejected for the similar rationale as given above for

claim 21.

As per claim 35, Rupp discloses, A system for selecting an auction behavior for an

auction, comprising: a behavior database in which associations between information

about auctions and auction behaviors is stored (Page 6, col. 1 [0067]); and a behavior

selector having an input for receiving information about the auction and an output for

providing an indication of an auction behavior for the auction using the behavior

database (Page 5, col. 1 [0056] –col. 2 [0063]). Rupp did not expressly disclose a

behavior database. However, Rupp discloses a database that can be used for this

purpose on Page 5, col. 1 [0056])

As per claim 56, This independent claim is rejected for the similar rationale as

given above for claims 1-24 and 35.

Response to Arguments

13.   Applicant's arguments filed 3/05/07 have been fully considered but they are not

persuasive.

Issue no. 1: Applicants' Argue: We respectfully submit that the Examiner

has isolated and then read this section of the cited claims out of context. In particular,

the second element of claim 1 and accordingly, it is not a formidable task for one skilled

in the art to understand the boundaries of claims 1, 21, 22, and 24 and there is no

ambiguity has been considered but is not persuasive. Response: The Examiner

disagrees that the Examiner has isolated and then read the section of the cited claims

out of context. It is respectfully submitted that "may" in a claim limitation is not

considered a positive recitation that the bid is actually placed. A positive recitation

would be "... a bid will be placed ...". As for claim 4, the office action recites: claim 4,

recites a conditional statement". However, the office action was not worded as follows:

..., ... to thae at least ... tha at leastone rule. (Office Action, Page 4)." The Office

Action recites as follows: "Claim 4, recites a conditional statement. It is unclear what

happens "if a highest bid in the auction is from the bidder, placing the bid according to

the at least one specified bidding behavior at a time according to the at least one rule"

and As per claim 4, Rupp discloses, The method of claim 2, wherein automatically

placing at least one bid for the bidder comprises: if a highest bid in the auction is not

from the bidder, placing the bid according to the at least one specified bidding behavior

at a time according to the at least one rule (Page 8, col. 1 [0103] –col. 2 [0104]).

The Examiner disagrees that there is no ambiguity. It is unclear and not

understood what happens next in the conditional statement "if a highest bid in the

auction is from the bidder".

Claim 35, "a system for selecting an auction behavior for an auction" is in the

preamble and noting indicating a device or hardware is in the body of the claim. The

recitation "a system for selecting an auction behavior for an auction" has not been given

patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a

process or the intended use of a structure, and where the body of the claim does not

depend on the preamble for completeness but, instead, the process steps or structural

limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA

1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Therefore, the Examiner disagrees with Applicants' assertion that a portion of

claim 35 is unambiguous. Whether a person of skill in the art would understand the

claim language is not the issue. Furthermore, claim 35 reciting a behavior selector

having input and receiving information ..." could be performed manually by a human

being when given the broadest reasonable interpretation.

Issue no. 2: Applicants' argue the 35 USC 101 rejections: Applicants' argue that

claim 1 is useful, concrete, and has tangible results made possible by specifying at least

one rule for controlling when a bid may be placed automatically, at least because such a

process facilitates automatic bidding in an auction has been considered but is not

persuasive. Response: There is not any outcome or results after the "specifying at least

one rule controlling when a bid may be placed automatically. Simply because it is a

process that facilitates automatic bidding in an auction does not give a tangible end

result. Claims 21, 22, 24, 35, and 56 suffer from a similar issue as addressed for claim 1.

Issue no. 3: Applicants' argue: Applicants' traverse the Examiner's section 103(a) rejection and there has been no prima facie showing that the claims are obvious has been considered but is not persuasive. Response: Section [0055], page 4, col. 2-page 5, col. 1 in Rupp is interpreted as setting forth an auction behavior even though the reference dose not specifically say "auction behavior". Since Applicants' through their own admittance state that the claims are broad, the Examiner has given the claims the broadest reasonable interpretation in light of the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The application cannot be moved forward toward allowance without the 35 USC 101 and 35 USC 112, second rejections being overcome.

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alvin E. Roth and Axel Ockenfels; "Last-Minute Bidding and the Rules for Ending Second-Price Auctions: Evidence from eBay and Amazon Auctions on the Internet" disclosed ruled of the auction and proxy bidding.

David Lucking-Reiley; "Auctions on the Internet: What's Being Auctioned, and How?" disclosed online auctions, auction formats, and proxy bidding on eBay.

Guasch, J. Luis and Glaessner, Thomas disclosed credit auctions and the facilitation of collusion.

Brett (US 6,704,713) disclosed an automated ticket auction and proxy bidding.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 29, 2007

                                        ELLA COLBERT
                                        PRIMARY EXAMINER